

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 18, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: - ZON-14344 - APPLICANT/OWNER: WALKFED, LLC.**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-14353) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Dedicate 40 feet of those portions necessary to complete the Washington Avenue right-of-way adjacent to this site concurrent with development of this site prior to the issuance of any permits.
4. Construct all incomplete half-street improvements adjacent to this site concurrent with development. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
5. Coordinate with the Collection System Planning Section of the Department of Public Works to determine an appropriate location for public sewer connection to this site, prior to the issuance of any permits. A downstream relief project may be required to provide public sewer capacity for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Rezoning from R-E (Residence Estates) to R-3 (Medium Density Residential) on 1.51 acres at 837 Clarkway Drive.

**EXECUTIVE SUMMARY**

The surrounding area is primarily single-family residential uses on large lots. Additionally, the site is located in the Rural Preservation Overlay District (RPOD) Buffer that has a three unit per acre maximum density and requires a Variance (VAR-15323) from Residential Adjacency requirements. This project calls for 10.59 units per acre. The proposed Rezoning is considered inappropriate for this site and denial of this request is recommended.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- |          |   |
|----------|---|
| 01/26/06 | The Planning Commission voted to abey a Site Development Plan Review (SDR-10796) and companion items for a General Plan Amendment (GPA-10789), a Rezoning (ZON-10792), and Variances (VAR-10793 and VAR-10795) for re-notification.   |
| 03/15/06 | The applicant withdrew, without prejudice, a Site Development Plan Review (SDR-10796) and companion items for a General Plan Amendment (GPA-10789), a Rezoning (ZON-10792), and Variances (VAR-10793 and VAR-10795). The Planning Commission had recommended denial on 02/23/06. Staff also recommended denial.             |
| 05/17/06 | The City Council approved a General Plan Amendment (GPA-9219) expanding the Redevelopment Area. This property was designated as MXU (Mixed Use) as part of this General Plan Amendment. The property had previously been designated as L (Low Density Residential). The Planning Commission and staff recommended approval. |
| 07/27/06 | This item and a companion item for a Site Development Plan Review (SDR-14353) were held in abeyance in order to add a Variance for Residential Adjacency requirements.  |
| 08/24/06 | This item and a companion items for a Site Development Plan Review (SDR-14353) and a Variance (VAR-15323) were held in abeyance at the request of the applicant.  |

09/21/06 The Planning Commission recommended denial of companion items VAR-15323 and SDR-14353 concurrently with this application.

09/21/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #18/ng).

***B) Pre-Application Meeting***

05/17/06 A pre-application meeting was held and elements of this submittal were discussed.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Rezoning request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 1.91  
Net Acres: 1.49

***B) Existing Land Use***

Subject Property: Undeveloped  
North: Single Family Residential  
Public Utility  
South: Single Family Residential  
East: Single Family Residential  
West: Single Family Residential  
Duplex

***C) Planned Land Use***

Subject Property: MXU (Mixed Use)  
North: R (Rural Density Residential)  
PF (Public Facilities)  
South: MXU (Mixed Use)  
East: MXU (Mixed Use)  
West: MXU (Mixed Use)

***D) Existing Zoning***

Subject Property: R-E (Residence Estates)  
North: R-E (Residence Estates)  
South: R-E (Residence Estates)  
East: R-E (Residence Estates)  
West: R-E (Residence Estates)  
R-3 (Medium Density Residential)

**E) General Plan Compliance**

The subject property is designated as MXU (Mixed Use) through the expansion of the Downtown Redevelopment Area. The Mixed Use category allow for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) land use categories. The previous land use designation on the property was L (Low Density Residential) and the project calls for approximately 10.59 units per acre, which falls into the MLA (Medium-Low Attached Density Residential) range. The proposed project is in compliance with the General Plan, but is considered inappropriate for this location as most of the surrounding area is larger single family lots.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District Buffer</b>	<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Rural Preservation Overlay District Buffer**

The proposed development was recently removed from the Rural Preservation Overlay District (RPOD); however, property on the north side of Washington Avenue remains in the RPOD. The subject property is still located in the RPOD Buffer. The RPOD Buffer permits a maximum density of three dwelling units per acre. The proposed multi-family development would have a density of 10.59 units per acre. The proposed multi-family development is out of context with the intent of the RPOD and for this reason cannot be supported by staff.

**F) Density**

<b><i>EXISTING ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>PROPOSED ZONING</i></b>	<b><i>PERMITTED DENSITY</i></b>	<b><i>GENERAL PLAN</i></b>	<b><i>PERMITTED DENSITY</i></b>
R-E	2 du/ac or three units	R-3	25.49 du/ac or 38 units	MXU	N/A

The proposed R-3 (Medium Density Residential) zoning will have a density that is more than 10 times greater that what is currently permitted on the site. It is noted that the applicant is using far less than the maximum density as the project calls for a density of 10.59 units per acre or 16 units. The change is still drastic and is considered inappropriate for the site. The General Plan designation of MXU (Mixed Use) allows a variety of land use options and does not have a specific density limit.

***B) General Analysis and Discussion***

The applicant is requesting a Rezoning to an R-3 (Medium Density Residential and Apartment) District. The purpose of the R-3 District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) District is consistent with the policies of the Medium Density Residential category of the General Plan. The proposed Rezoning, while fitting in with the MXU (Mixed Use) General Plan designation, does not meet the character of the area. The area is primarily single-family residences with large lots. Furthermore, the development is in the RPOD Buffer and does not meet the three unit per acre maximum density. Additionally, the project requires a Variance 9VAR-15323) from Residential Adjacency requirements.

**FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposal does conform to the MXU (Mixed Use) land-use designation. The project is still considered inappropriate for this location; this is due to the surrounding area being primarily single-family residential uses on large lots. Additionally, the site is located in the RPOD Buffer that has a three unit per acre maximum density. This project calls for 10.59 units per acre. The proposal is considered inappropriate for this site and denial of this request is recommended.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The multi-family development is not considered compatible with surrounding land uses. The adjacent multi-family site is located on an intersection of two larger streets. The other properties adjacent to this property are all single-family residential on larger lots (minimum of 15,000 square feet). The surrounding zoning districts are primarily R-E (Residence Estates). The proposed zoning is considered out of character with the surrounding uses and zoning districts and denial is recommended.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

While the community needs multi-family housing, a project of this nature would be better suited for an area currently zoned and designated for this type of use that is located in an area more appropriate for multi-family development, such as a location away from the Residence Estates District and outside of the RPOD Buffer.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Site access is provided from Washington Avenue, an 80-foot Secondary Collector. This street is capable of handling the type of traffic that will be produced by a development of this size.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 193 by Planning Department

**APPROVALS** 0

**PROTESTS** 2